



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: LLOYD ET AL. Examiner: UNKNOWN  
Serial No.: 10/758,987 Group Art Unit: 1762  
Filed: JANUARY 16, 2004 Docket: 60044.97US01  
Confirmation No.: 7899  
Due Date: AUGUST 14, 2005 (30 DAY DATE)  
Title: TERMITE TUBING PREVENTATIVE FOR NON-WOOD MATERIALS

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on August 12, 2005.

By: Kristine A. Wacek  
Name: Kristine A. Wacek

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**23552**

PATENT TRADEMARK OFFICE

Sir:

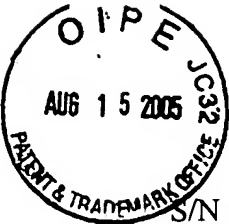
We are transmitting herewith the attached:

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Information Disclosure Statement, Form 1449, 3 Reference(s), Copy of International Search Report
- ☒ Return postcard

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

Merchant & Gould P.C.  
P.O. Box 2903  
Minneapolis, MN 55402-0903  
612.332.5300

By: Daniel M. Pauly  
Name: Daniel M. Pauly  
Reg. No.: 40,123  
DPauly:PLSkaw



S/N 10/758,987

PATENT

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By:

Name: Kristine A. Wacek

INFORMATION DISCLOSURE STATEMENT (37 C.F.R. § 1.97(b))

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450



Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner. Enclosed for the Examiner's information is a copy of the International Search Report. At least some of the references were recently cited in an International Search Report mailed July 15, 2005.

This statement should be considered because it is submitted before the mailing date of a first Office Action on-the-merits. Accordingly, no fee is due for consideration of the items listed on the enclosed Form 1449.

Certification Under 37 C.F.R. § 1.704(d)

In accordance with 37 C.F.R. § 1.704(d), the undersigned hereby certifies that each item listed on the enclosed Form 1449 was cited in a communication from a foreign patent office in a counterpart application, and that this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty (30) days prior to the filing of this Information Disclosure Statement. Accordingly, no patent term adjustment is due for the filing of this Information Disclosure Statement.

A copy of any foreign patent document or "Other Document" listed on the Form 1449 is enclosed, in accordance with 37 C.F.R. §1.98(a)(2). Because this application was filed after June 30, 2003, copies of the U.S. Patents and U.S. patent publications listed on the enclosed Form 1449 are not provided.

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that a reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

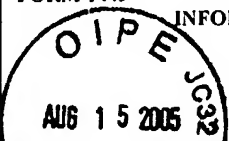
Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,

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Date: 08/12/2005

Daniel M. Pauly  
Daniel M. Pauly  
Reg. No. 40,123  
DMP:PLSkaw

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|---|--------------------------------|-----------------------------------|
| <b>FORM 1449*</b><br><br><b>INFORMATION DISCLOSURE STATEMENT</b><br><br><b>IN AN APPLICATION</b><br>(Use several sheets if necessary) | Docket Number:<br>60044.97US01 | Application Number:<br>10/758,987 |
|   | Applicant: LLOYD ET AL.        |                                   |
|   | Filing Date: 01/16/2004        | Group Art Unit: 1762              |

| U.S. PATENT DOCUMENTS |              |            |        |       |          |                               |
|-----------------------|--------------|------------|--------|-------|----------|-------------------------------|
| EXAMINER<br>INITIAL   | DOCUMENT NO. | DATE       | NAME   | CLASS | SUBCLASS | FILING DATE<br>IF APPROPRIATE |
|                       | 6,423,251 B1 | 07/23/2002 | Blount |       |          |                               |
|                       | 6,667,350 B1 | 12/23/2003 | Satula |       |          |                               |
|                       |              |            |        |       |          |                               |
|                       |              |            |        |       |          |                               |
|                       |              |            |        |       |          |                               |
|                       |              |            |        |       |          |                               |
|                       |              |            |        |       |          |                               |
|                       |              |            |        |       |          |                               |
|                       |              |            |        |       |          |                               |
|                       |              |            |        |       |          |                               |
|                       |              |            |        |       |          |                               |
|                       |              |            |        |       |          |                               |

| FOREIGN PATENT DOCUMENTS |                |            |         |       |          |               |    |
|--------------------------|----------------|------------|---------|-------|----------|---------------|----|
|                          | DOCUMENT NO.   | DATE       | COUNTRY | CLASS | SUBCLASS | TRANSLATION   |    |
|                          |                |            |         |       |          | YES           | NO |
|                          | 2001-200088 A2 | 07/24/2001 | JP      |       |          | Abstract Only |    |
|                          | 2001-220834 A2 | 08/17/2001 | JP      |       |          | Abstract Only |    |
|                          | 2001-220837 A2 | 08/17/2001 | JP      |       |          | Abstract Only |    |
|                          |                |            |         |       |          |               |    |

| OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.) |  |  |
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| <b>23552</b><br>PATENT TRADEMARK OFFICE |
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|---|-----------------|
| EXAMINER  | DATE CONSIDERED |
| EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant. |                 |